SECURITIES AND EXCHANGE COMMISSION Washington, D.C.

SECURITIES EXCHANGE ACT OF 1934 Rel. No. 49894 / June 18, 2004

Admin. Proc. File No. 3-9803

In the Matter of

PETER F. COMAS c/o James Q. Walker, Esq. Richard Spears Kibbe & Orbe One Chase Manhattan Plaza New York, New York 10005

ORDER GRANTING MOTION TO VACATE COLLATERAL BAR

Peter F. Comas has petitioned to vacate a January 11, 1999 Commission consent order (the "Order"), which bars him from association with any broker, dealer, municipal securities dealer, investment company, or investment adviser, with the right to reapply after eighteen months. $\underline{1}/$ Comas seeks to vacate the portion of the Order collaterally barring him from association with any investment company or investment adviser. $\underline{2}/$

The Order arose out of an administrative proceeding simultaneously instituted and settled on January 11, 1999 against PaineWebber Incorporated and Comas, a former associated person of

^{1/} Although more than 18 months have elapsed since imposition of the collateral bar, modification of the collateral bar is not moot. Without modification, the bar remains in effect, although Comas may seek and receive Commission consent to associate with a specified broker, dealer, municipal securities dealer, investment company, or investment adviser pursuant to the procedures outlined in our Rule of Practice 193. See 17 C.F.R. § 201.193.

^{2/} Comas argues that the decision in <u>Teicher v. SEC</u>, 177 F.3d 1016 (D.C. Cir. 1999) (holding that the Commission may not impose a collateral bar in litigated enforcement proceedings), warrants the Commission vacating the Order as it applies to the bar from association with investment companies and investment advisers.

PaineWebber. $\underline{3}/$ In the Order, we found, on the basis of his consent, that Comas had aided and abetted and caused fourteen instances of fraudulent violations by PaineWebber of the broker-dealer antifraud prohibitions of Section 15(c)(1) of the Securities Exchange Act of 1934 $\underline{4}/$ and Exchange Act Rule 15c1-2. $\underline{5}/$ We also found that Comas aided and abetted and caused eight instances of violations by PaineWebber of the fictitious quotation prohibitions of Exchange Act Section 15(c)(2) $\underline{6}/$ and Exchange Act Rule 15c2-7. $\underline{7}/$ In addition to the collateral bar, we ordered Comas to cease and desist from committing or causing future violations of the antifraud provisions and to pay a civil penalty in the amount of \$210,000.

We have stated that in reviewing requests to lift or modify administrative bar orders, we will determine whether "under all the facts and circumstances presented, it is consistent with the public interest and investor protection to permit the petitioner to function in the industry without the safeguards provided by the bar." 8/ Our long-standing approach to Commission administrative bars has been that they will "remain in place in the usual case and be removed only in compelling circumstances." 9/ Preservation of the status quo "ensures that the Commission, in furtherance of the public interest and investor protection, retains its continuing control over such barred individuals' activities." 10/ Further, we have stated that we would act "in response to those situations in which,

See Securities Exchange Act Rel. No. 40900 (Jan. 11, 1999), 68 SEC Docket 2930, and Exchange Act Rel. No. 40919 (Jan. 11, 1999), 68 SEC Docket 3087.

^{4/ 15} U.S.C. § 78o(c)(1).

^{5/ 17} C.F.R. § 240.15c1-2.

^{6/ 15} U.S.C. § 78o(c)(2).

^{7/ 17} C.F.R. § 240.15c2-7.

^{8/ &}lt;u>Ciro Cozzolino</u>, Securities Exchange Act Rel. No. 49001 (Dec. 29, 2003), 81 SEC Docket 3769, 3774; <u>Edward I.</u>
<u>Frankel</u>, Exchange Act Rel. No. 49002 (Dec. 29, 2003), 81 SEC Docket 3778, 3785; <u>Stephen S. Wein</u>, Exchange Act Rel. No. 49000 (Dec. 29, 2003), 81 SEC Docket 3758, 3765.

<u>9</u>/ <u>Ciro Cozzolino</u>, 81 SEC Docket at 3775; <u>Edward I. Frankel</u>, 81 SEC Docket at 3785; <u>Stephen S. Wein</u>, 81 SEC Docket at 3766.

^{10/} Ciro Cozzolino, 81 SEC Docket at 3775; Edward I. Frankel, 81 SEC Docket at 3785; Stephen S. Wein, 81 SEC Docket at 3766.

under all the facts and circumstances, the equitable need for relief, consistent with the public interest and investor protection, warrants vacating or modifying a Commission bar order." 11/

Therefore, we have determined that it is appropriate to modify the bar against Comas by vacating the portion of the Order that prohibits Comas from associating with investment advisers and investment companies.

Accordingly, IT IS ORDERED that the petition of Peter F. Comas to vacate the Order entered against him on January 11, 1999, as it applies to the bar from association with any investment adviser or investment company, be, and it hereby is, granted.

By the Commission.

Jonathan G. Katz Secretary

^{11/ &}lt;u>Ciro Cozzolino</u>, 81 SEC Docket at 3775-76; <u>Edward I. Frankel</u>, 81 SEC Docket at 3785; <u>Stephen S. Wein</u>, 81 SEC Docket at 3766.